

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

THE UNITED STATES OF  
AMERICA, for the use and benefit of  
BURCH CONSTRUCTION  
COMPANY, INC., a California  
corporation,

Plaintiff,

v.

SAUER, INC., a Pennsylvania  
corporation, FEDERAL  
INSURANCE COMPANY, an  
Indiana corporation,

Defendants.

CASE NO: 5:18-cv-01579-EJD

(RELATED CASE NOS.: 16-cv-03674-  
EJD; 17-cv-02608-EJD; 17-cv-04568-EJD;  
17-cv-07116-EJD; 18-cv-00612-EJD)

STIPULATION OF DISMISSAL

District Judge:  
Hon. Edward J. Davila, Courtroom 4

Complaint Filed: March 13, 2018  
Trial Date: Not Set

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1 IT IS HEREBY STIPULATED by and among the parties to this action  
2 through their designated counsel that the above-captioned action be and hereby is  
3 dismissed with prejudice pursuant to Rule 41(a)(1) of the Federal Rules of Civil  
4 Procedure.

5 IT IS SO STIPULATED.

6 DATE: October \_\_, 2018

Respectfully submitted,

7 FINCH, THORNTON & BAIRD, LLP

8  
9 By: 

P. RANDOLPH FINCH JR.

ANDREA L. PETRAY

CHRISTOPHER D. F. FOSTER

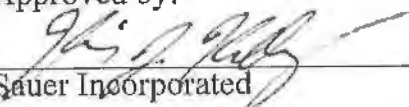
10 Attorneys for Defendant Sauer Incorporated,  
11 erroneously sued as Sauer, Inc., and Federal  
12 Insurance Company

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Sauer Incorporated

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18  
19 Federal Insurance Company

20 DATE: October \_\_, 2018

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JAMES H. FLAHERTY, JR.

DOUGLAS P. FLAHERTY

23 Attorneys for Plaintiff Burch Construction  
24 Company, Inc.

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doug@flahertyandflaherty.com

26  
27 Approved by:

28 Burch Construction Company, Inc.

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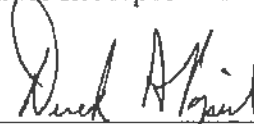
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Sauer Incorporated

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20 DATE: October \_\_, 2018

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Burch Construction Company, Inc.

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9 By: \_\_\_\_\_

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15 Approved by:

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Sauer Incorporated

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Federal Insurance Company

20 DATE: October 18, 2018

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27 Approved by:

28 \_\_\_\_\_  
Burch Construction Company, Inc.

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5 IT IS SO STIPULATED.

6 DATE: October \_\_, 2018

Respectfully submitted,

7 FINCH, THORNTON & BAIRD, LLP

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9 By: \_\_\_\_\_

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Sauer Incorporated

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20 DATE: October \_\_, 2018

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26 Approved by:

27  PRESIDENT  
28 Burch Construction Company, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this document has been filed electronically on this 30<sup>th</sup> day of October 2018, and is available for viewing and downloading to the ECF register counsel of record:

Via Electronic Service/ECF

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ATTORNEYS FOR PLAINTIFF  
BURCH CONSTRUCTION  
COMPANY, INC.

DATE: October 30, 2018

Respectfully submitted,  
FINCH, THORNTON & BAIRD, LLP

By: /s/ Andrea L. Petray  
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